

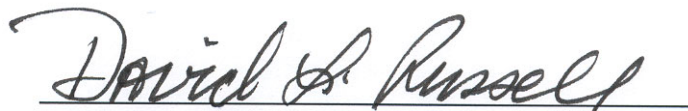
IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ORIN KRISTICH,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-22-849-R
)	
FNU DICKERSON, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff, a federal prisoner appearing *pro se*, brought this action alleging violations of his civil rights. On October 28, 2022, he filed a motion to voluntarily dismiss (Doc. No. 8), however, he failed to sign it. The document was returned, and Plaintiff was instructed to provide the Court a signed copy by November 16. (Doc. No. 10). Although his signed Amended Motion was received on November 21, the Court finds that Plaintiff's response was timely under the prison mailbox rule.¹ Accordingly, his Amended Motion to Voluntarily Dismiss (Doc. No. 11) is GRANTED and the case is DISMISSED without prejudice. The Court DECLINES to adopt the Report and Recommendation (Doc. No. 9) as moot in light of the self-effectuating dismissal pursuant to Fed. R. Civ. P. 41(a)(1).

IT IS SO ORDERED this 22nd day of November 2022.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE

¹ Under the prison mailbox rule, a *pro se* prisoner's pleading is considered filed when the prisoner delivers it to prison officials for mailing. *Houston v. Lack*, 487 U. S. 266, 276 (1988); *United States v. Harms*, 138 F. App'x 101, 104 n.3 (10th Cir. 2005).